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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,496	02/26/2004	David C. Nemir	70004-9601-CIP2	9093
5179	7590	09/27/2007		
PEACOCK MYERS, P.C. 201 THIRD STREET, N.W. SUITE 1340 ALBUQUERQUE, NM 87102			EXAMINER A, MINH D	
			ART UNIT 2821	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,496

Applicant(s)

NEMIR ET AL.

Examiner

Minh D. A

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 27-40, 42-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 27-40, 42-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's communication filed on 6/29/07 has been carefully considered by the examiner. The arguments advanced therein are persuasive with respect to the rejection of record, and those rejection are accordingly withdrawn. In view of a further consideration, however, a new rejection is set forth below. This action is not made final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 27-40, 42-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Keizer et al (Patent No: US 5,734,206).

Regarding claim 1, figures 1-6, Keizer discloses a security power device having an apparatus (main body (10) can be either plug, or other side has the electrical wire plug and another side has a socket (19), see figures 3a-4) and the main body has a microcontroller (26) for control of an alternating current appliance (11) and the apparatus (main body) being entirely resident within a plug in module (the main body has a plurality of circuit such as microcontroller, power supply, rectifier diode, switch relay...etc), inside a main body(10) comprising a programmable controller (microcontroller (26) which being programmable exclusively through a plurality of the power delivery conductors(electrical lines (L1-L2, N, GND). Col.3, lines 1-67 to col.7, lines 1-17.

Regarding claim 27, figures 1-6, Keizer discloses the plurality numbers conductors (hot and cold L1 -L2).

Regarding claim 28, figures 3a-6, Keizer discloses the two of conductors no more than four are electrically shorted together such that said plurality of power delivery conductors consists of not more than three electrically unique power delivery conductors. Col.3, lines 1-67 to col.4, lines 1-67.

Regarding claims 29-30, figures 3a-6, Keizer discloses the controller (IC1) for programming signal being applied to two of the not more than three electrically unique power delivery conductors and a series pulses. Col.3, lines 1-67 to col.4, lines 1-67.

Regarding claims 31-32, figures 3a-6, Keizer discloses a line and a clock line of microcontroller (IC1) being controlled by applicant of a programming signal applied to two of the not more than three electrically unique power delivery conductors. Col.3, lines 1-67 to col.4, lines 1-67.

Regarding claim 33, figures 3a-6, Keizer discloses the mixture of direct and alternating current signals places said programmable controller (26) into a programming mode.

Regarding claims 34-35, figures 3a-6, Keizer discloses at least one of the signals comprises a high frequency signal or wherein said programmable controller being electronically configured to implement a set of control actions. Col.3, lines 1-67 to col.4, lines 1-67.

Regarding claim 36, figures 3a-6, Keizer discloses a microcontroller (26).

Regarding claims 37 and 50, figures 3a-6, Keizer discloses the controller controls

for protecting an appliance connected to a household and the controller control selected from the group consisting of thyristors transistor, triac and combination.

Regarding claim 38, figures 3a-6, Keizer discloses the programmable controller (26) being programmed via electronic signals from a programmer.

Regarding claim 39, figures 3a-6, Keizer discloses the controller is programmable(26) after said apparatus is assembled and the controller of the apparatus is entirely resident within said appliance plug or a plug-in module. Col.3, lines 1-67 to col.4, lines 1-67.

Regarding claim 40, f figures 3a-6, Keizer discloses the apparatus enables an appliance electrically connected thereto to operate in a manner different from that originally intended

Regarding claim 42, figures 3a-6, Keizer discloses a security power interrupt comprising the step of: a microcontroller (26) for providing a programmable controller and a main body (10) has a plug in module in another side of the main body (10) for providing a plug-in module and the main body (10) for disposing the programmable controller (26) within the appliance plug module, two terminals (relay or a contact or transformer) for providing a plurality of electrical power delivery conductors (L1 and L2); and the IC(26) for applying one or more signals to two of the power delivery conductors (L1 and L2). Col.3, lines 1-67 to col.7, lines 1-17.

Regarding claim 43, figures 3a-6, Keizer discloses the IC(26) for applying one or more signals to no more than three of the power delivery conductors.

Regarding claim 44, figures 3a-6, Keizer discloses the programmable controller (26) with electronic signals communicated from a programmer to the controller through one or more of the power delivery conductors after the controller has been disposed in the appliance plug or plug-in module. Col.3, lines 1-67 to col.7, lines 1-17.

Regarding claim 45, figures 3a-6, Keizer discloses a high frequency signal to two of the power delivery conductors to place the programmable controller into a programming mode.

Regarding claim 46, figures 3a-6, Keizer discloses excise a series of pulses applied to two of the power delivery conductors to control both data and clock lines during programming.

Regarding claim 47, figures 3a-6, Keizer discloses a mixture of direct current and alternating current signals to two of the power delivery conductors to place the programmable controller into a programming mode.

Regarding claim 48, figures 3a-6, Keizer discloses the programmable controller to implement a set of control actions.

Regarding claim 49, figures 3a-6, Keizer discloses figures 1-2,a programmable controller comprises providing a microcontroller (26).

Regarding claim 51, figures 3a-6, Keizer discloses a controlling an appliance by programming the programmable controller so as to enable the appliance to perform in a manner different from its original design.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Keizer et al (Patent No: US 5,734,206) in view of Adams et al (Patent No: US 5, 324, 915).

Regarding claim 52, figures 3a-6, Keizer discloses an apparatus (main body (10) having a plurality of circuit) comprising a programmable controller comprising a microcontroller (26) and excluding rectification element (rectifier circuit (30)) of a DC power supply (25) external to the microcontroller (26).

Keizer does not disclose that, an electrostatic discharge protection diodes internal to the microcontroller (26) and wherein the internal electrostatic discharge protection diodes provides a source of direct current for the microcontroller.

Adam discloses an electrostatic discharge protection diodes (D3-D4) internal to the microcontroller (20) and wherein the internal electrostatic discharge protection diodes (D3-D4) provides a source of direct current (Vdd) for the microcontroller (12).

Figure 2, col.3, lines 10-67 to col.4, lines 1-47.

It would have thus been obvious to one having ordinary skill in the art to include the above an electrostatic discharge protection diodes (D3-D4) internal to the microcontroller (20) and wherein the internal electrostatic discharge protection diodes (D3-D4) provides a source of direct current (Vdd) for the microcontroller (12) disclosed

in Reference Adam in the security power interrupt of Keizer to achieve the claimed invention. As disclosed in Reference of Adam, the motivation for the combination would be obtained protection for input and out put of the microcontroller.

Regarding claim 53, Keizer does not disclose the claimed of invention, but Adam discloses in figure 2, each of the internal electrostatic discharge protection diodes are paralleled by transistor (Q1-Q4) that forms an alternative conducting path around the internal electrostatic discharge protection diode (D3-D4).

Regarding claim 54, figures 1-6, Keizer does not disclose the claimed of invention, but Adam discloses in figure 2, the alternative conducting path allows firing of a transistor during a portion of an AC cycle when said internal electrostatic discharge protection diodes are not conducting.

Regarding claim 55, figures 3a-6, Keizer does not disclose a transistor that is in parallel with one of said internal electrostatic discharge protection diodes, wherein while applying a gate voltage to said MOSFET ensures that is turned on.

However, Adam discloses in figure 2, a transistor that is in parallel with one of said internal electrostatic discharge protection diodes, wherein while applying a gate voltage to said MOSFET ensures that is turned on.

It would have thus been obvious to one having ordinary skill in the art to include the above a transistor that is in parallel with one of said internal electrostatic discharge protection diodes, wherein while applying a gate voltage to said MOSFET ensures that is turned on disclosed in Reference Adam in the security power interrupt of Keizer to achieve the claimed invention. As disclosed in Reference of Adam, the motivation for

the combination would be obtained protection for input and out put of the microcontroller.

Citation of relevant prior art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Chapman et al. (U.S. Patent No. 6,150,940) discloses a an antitheft electrical power cord.

Prior art Mai et al (U.S. Patent No. 5,643,4012) discloses safety plug with switch means.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 AM-2: 45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Owens Douglas W can be reached on (571) 272-1662 can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner

Minh A

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9/2/07


SHIH-CHAO CHEN
PRIMARY EXAMINER